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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.111.5.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWARD NOEL THOMAS,

Defendant and Appellant.

2d Crim. No. B216738
(Super. Ct. No. CR45419)
(Ventura County)

Edward Noel Thomas appeals the May 1, 2009 denial of his motion to reduce restitution fines imposed in 1999 after appellant was convicted by jury of robbery (Pen. Code § 211),¹ ex-felon in possession of a firearm (§ 12021, subd. (a)(1)), and false imprisonment by violence (§ 236). The jury found true allegations that appellant had personally used a firearm during the commission of the robbery and false imprisonment. (§§ 12022.53, subd. (b); 12022.5, subd. (a).) Appellant admitted one prior prison term (§ 667.5, subd. (b)), one prior serious felony conviction (§ 667, subd. (a)), and one prior conviction within the meaning of California's "Three Strikes" law (§§ 667, subds. (b)-(i); 1170.12).

¹ All statutory references are to the Penal Code unless otherwise stated.

On December 15, 1999, the trial court sentenced appellant to 27 years 4 months state prison and ordered appellant to pay \$98 victim restitution (§ 1202.4, subd. (f)), a \$2,000 restitution fine (§ 1202.4, subd. (b)), and a \$2,000 parole revocation restitution fine (§ 1202.45). Appellant was represented by counsel, did not object to the fines, or request that the trial court determine appellant's ability to pay the fines.

We affirmed the conviction in an unpublished opinion on March 28, 2001. (B138135.)

On April 16, 2009, appellant filed a motion with the trial court to reduce the \$2,000 restitution fines on the ground that the trial court, in imposing the fines, failed to conduct a hearing on appellant's ability to pay the fines. (See § 1202.4, subd. (f)(1).) The motion was denied May 1, 2009.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, she filed an opening brief in which no issues were raised. On December 8, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received no response.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441; *People v. Kelly* (2006) 40 Cal.4th 106, 125-126.)

The judgment is affirmed.

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YEGAN, Acting P.J.

We concur:

COFFEE, J.

PERREN, J.

Edward F. Brodie, Judge
James P. Cloninger, Judge
Superior Court County of Ventura

California Appellate Project, under appointment by the Court of Appeal,
Jonathan B. Steiner, Executive Director and Suan E. Hier, Staff Attorneys, for Defendant
and Appellant.

No appearance for Respondent.